REMARKS

The specification, claims and drawings have been amended without adding new matter in order to correct minor informalities and to address other issues raised by the Examiner. Claims 21-28 have been added. Claims 1-4, 8-13, 14 and 18-20 have been amended. Claims 1-28 remain pending in the application. Reconsideration of claims 1-20 in view of the amendments above and remarks below and consideration of new claims 21-28 is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Turning to the specific objections and rejections:

1. The drawings are objected to under 37 C.F.R. § 1.84(p)(5) for failing to include reference numbers 162, 300 and 560, as well as for failing to label elements shown. Regarding reference numbers 162, and 300, Applicants have amended the specification to include the reference number 162 identifying "a DISPLAY key" (see pg. 8, line 5 of the application as filed), and to include the reference number 300 identifying the selected feature as increased in size (see pg. 10, line 25 of the application as filed). Neither of these amendments adds new matter as Figures 1B and 3, and the specification as originally filed fully show and describe the elements being referenced.

Regarding the reference number 560, Applicants direct the Examiner to page 13, line 25 of the application as filed. The application as filed describes the video decoder and indicates the reference number of 560 for this video decoder. Therefore, reference number 560 was used in the specification as filed.

The Examiner further objected to Figure 5 indicating that the "audio decoder", "signal encoder" and the "plus sign" were not labeled with reference

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Amendment

numbers or described in the specification. Applicants have amended Figure 5 to include reference numbers for the mixer 551, the audio decoder 552 and the signal encoder 561. These elements were included in Figure 5 as originally filed. The specification has been amended to replace the paragraph at page 13, line 23, to provide reference numbers for these elements. As these elements were included in Figure 5 as originally filed and the coupling of these elements is clearly shown, no new matter has been added to the subject application by these amendments.

Applicants believe that all of the objections to the drawings have been addressed and corrected. Therefore, the drawings should meet all of the requirements of 37 C.F.R. §1.84.

2.   Claims 2-4, 9, 12-14 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim that which Applicants regard as the invention. Claims 2-4, 9, 12 and 19 have been amended to provide accurate antecedent basis for the elements as claimed.

The Examiner rejected claims 13 and 14 indicating that these claims recited the limitation "providing a scaling factor." However, claims 13 and 14 recite "said scaling factor," and both depend from claim 11 which recites a scaling factor. Therefore, Applicants believe the antecedent bases for claims 13 and 14 are accurate.

3.   Claims 1-7 and 11-17 stand rejected under 35 U.S.C. § 102(b), as being anticipated by Hendricks et al., U.S. Patent No. 5,734,853 (referred to below as the Hendricks patent). However, the Hendricks patent does not teach each element as claimed in amended independent claims 1 and 11. Further, the Hendricks patent specifically avoids scaling of programming data and thus teaches way from the invention as claimed.

Claim 1

The Examiner has suggested that the Hendricks patent teaches "selecting at least one feature of the screen page for scaling; and providing a scaling factor of the at least one feature" (as recited in original claim 1) citing columns 18 and 19 of the Hendricks patent. However, the Hendricks patent specifically describes the scaling of a video "on a regular program channel." (Col. 19, lines 1-2, emphasis added). As such, Applicants have amended claim 1 and submit the Hendricks patent does not suggest "selecting at least one feature of the programming data on the screen page for scaling; and providing a scaling factor of the at least one feature," as recited in pending claim 1.

To the contrary, the Hendricks patent specifically does not provide a scaling factor for a feature of a screen page of programming data and further teaches away from scaling features of the programming data. Again at column 19, lines 1-3, the Hendricks patent describes sending video signals in several formats, where the formats include "(2) on a regular program channel and scaled to size, and (3) along with the program control information signal." (Col. 19, lines 1-3, emphasis added). The Hendricks patent only describes scaling "regular program channel" video data using picture-in-picture techniques, and specifically avoids scaling program control information signal. The Hendricks patent fails to suggest scaling the programming data, and fails to provide any motivation to scale the programming data.

Further, Applicants respectfully submit that the only description of scaling found in the Hendricks patent can be found at: column 19, lines 1-2; column 26, lines 42-44; column 43, lines 25-30; column 46, lines 38-41; and column 47, lines 7-23. In all of these discussions of scaling, the Hendricks patent only discusses scaling the video signal of the regular packaged television program. The Hendricks patent does not teach, describe or provide motivation for scaling the programming data as is claimed. Again as discussed above, the Hendricks patent describes scaling the regular video signal and specifically does not discuss scaling "program control information signal" at

column 19, lines 1-3. Therefore, the Hendricks patent does not teach scaling programming data, and thus claim 1 is not anticipated by the Hendricks patent.

The Examiner further cites column 18, line 53 through column 19, line 6 to suggest that the Hendricks patent teaches "selecting at least one feature." However, as discussed above, the cited section of the Hendricks patent only describes scaling the video signal on the regular program channel using split screen technique. The cited section does not describe "selecting at least one feature of the programming data on the screen page for scaling" as claimed in amended claim 1.

Further, the Examiner suggests that the Hendricks patent describes "providing a scaling factor of the at least one feature." However, the Hendricks patent only describes scaling the video signal using picture-in-picture techniques. As such, the Hendricks patent clearly does not describe a scaling factor of the selected feature of the programming data. Therefore, claim 1 is not anticipated by the Hendricks patent.

Claim 11

The Examiner has rejected claim 11 over the Hendricks patent. Claim 11 has been amended to recite instruction sequences comprising "a sequence that displays at least some of the programming data, a sequence that prompts a selection of at least one feature of the programming data for scaling, and a sequence that prompts a selection of a scaling factor for the at least one feature." The Hendricks patent does not teach or suggest at least instruction sequences that prompt "for a selection of at least one feature of the programming data for scaling" and prompt for "a selection of a scaling factor for the at least one feature." (Claim 11). Therefore, the Hendricks patent does not teach each element as claimed.

Further, the Hendricks patent does not teach or suggest the scaling of features of the programming data. As discussed above, the Hendricks patent does not describe scaling of features of the programming data. Therefore, the Hendricks patent fails to teach or make obvious the invention as recited in claim 11, and thus Applicants

believe claim 11 is in condition for allowance.

Claims 2 and 12

The Examiner further rejected claims 2 and 12 over the Hendricks patent. However, as described above, the Hendricks patent does not teach or describe selecting and/or scaling a feature of programming data. Further, the Hendricks patent also does not describe displaying "the scaled feature" as recited in claims 2 and 12. Therefore, the Hendricks patent does not anticipate claims 2 and 12.

The Examiner cites columns 46 and 47 of the Hendricks patent as support for the rejections of claims 2 and 12. However, column 46 only describes "manipulation of the <u>video signal</u> including scaling down the size of the video screen and redirecting the video to a portion of the menu screen...." (Col. 46, lines 38-40, emphasis added). Column 46 of the Hendricks patent does not describe displaying the scaled feature of the programming data as recited in claims 2 and 12. Similarly, column 47 only describes "scal[ing] the video" and not the programming data or displaying the feature as scaled. (Hendricks col. 47, line 9). Therefore, the Hendricks patent does not anticipate claims 2 and 12, and thus claims 2 and 12 are in a condition for allowance.

Claims 3 and 13

The Examiner further rejected claims 3 and 13 over the Hendricks patent citing portions of columns 46 and 47. However, the Hendricks patent only describes displaying video signals using split screen techniques at columns 46-47. The Hendricks patent does not describe a scaling factor, nor does the Hendricks patent describe providing a range for a scaling factor. Therefore, claims 3 and 13 are not anticipated by the Hendricks patent.

Claims 4 and 14

The Examiner additionally rejected claims 4 and 14 as being anticipated by the Hendricks patent. Again, the Hendricks patent does not describe scaling a feature of the programming data or a scaling factor. Further, it appears that the Hendricks patent does not teach or suggest a default scaling factor. The Examiner cited columns 26 and 27 in support of the rejection of claims 4 and 14. However, column 26 line 64 through column 27, line 18 of the Hendricks patent does not teach or suggest a scaling factor or a default scaling factor. Alternatively, column 26 line 64 through column 27, line 18 only describes the display of a number of menus "in a simple tree sequence." (Column 27, lines 2-3). Therefore, the Hendricks patent does not teach or describe a default scaling factor as claimed, and thus claims 4 and 14 are not anticipated by the Hendricks patent.

Claims 5 and 15

The Examiner has rejected claims 5 and 15 as anticipated by the Hendricks patent citing again columns 46 and 47. However, the cited portion of the Hendricks patent simply describes broadcasting a plurality of video clips on a single channel. There is no discussion or suggestion of an "increment factor" nor an "increment factor that is used to increase a size of the at least one feature" as recited in claims 5 and 15. Therefore, the Hendricks patent does not teach or anticipate claims 5 or 15.

Claims 6, 7, 16 and 17

The Examiner further rejected claims 6, 7, 16 and 17 as anticipated by the Hendricks patent. Again, as described above, the Hendricks patent does not teach or suggest selecting a feature of the program data or providing a scaling factor of the one feature. Further, with regard to claims 7 and 17, the Examiner cited column 26, lines 30-44. However, the cited portion of the Hendricks patent only describes Overlay Menus and the scaling of the "entire programs video screen." (Col. 26, lines 42-43). There is no discussion of selecting a feature of the programming data including selecting a screen

menu or a program description. Again, the Hendricks patent only describes scaling the video signal not the scaling of the programming data. The Hendricks patent does not teach or suggest "selecting at least on of said screen menu and said program description" as recited in claims 7 and 17. Therefore, claims 6, 7, 16 and 17 are not anticipated by the Hendricks patent.

4.   Claims 8-10 and 18-20 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the Hendricks patent. In rejecting claims 8-10 and 18-20 the Examiner again cites columns 26, lines 30-44 and column 46, line 64 through column 47, line 23. The Examiner suggests that because the Hendricks patent describes menus with icons, it would have been obvious to include an icon for scaling. However, as discussed above, the Hendricks patent does not teach or suggest the scaling of the programming data. One skilled in the art would not be motivated to alter the Hendricks patent to provide scaling of the programming data.

The Examiner further suggests that it would have been obvious to allow a user to select scaling of the video signal when an Overlay Menu is displayed. However, this would go against the intended purpose of the scaling described by the Hendricks patent. The Hendricks patent describes in column 25, line 53, "Hidden Menus 1380 and Program Overlay Menus 1390". Both "menus" are specifically designed to "allow the user to continue to comfortably view his program selection." (Col. 26, lines 37-39). Therefore, to provide icons to select scaling would go against the intended purpose of the scaling of the video signal described by the Hendricks patent.

Further, the scaling described by the Hendricks patent is not selected through an icon. It is based only on how data is delivered (i.e., multiple video clips on a single channel (see column 46 and 47) and whether a menu is an Overlay Menu (see column 26). The Hendricks patent specifically contemplates scaling of the video signal and specifically avoids scaling the programming data (see col. 18, lines 1-2). Therefore,

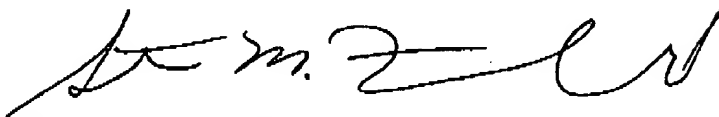one skilled in the art would not be motivated by the Hendricks patent to scale the programming data.

The Hendricks patent does not teach or suggest providing a menu with "icons being selectable to scale the selected feature" as recited in claims 8 and 18. The only scaling provided by the Hendricks patent is predefined for the video signal and not selectable. Further, there is no suggestion to scale the programming data. One skilled in the art would not be motivated to scale a selected feature of the programming data in view of the Hendricks patent as the Hendricks patent limits the scaling to only the video data using picture-in-picture techniques. There is no suggestion of allowing a selection of the scaling in the Hendricks patent, or providing a menu that allows the selection of a scaling factor. Therefore, the invention as claimed in claims 8-10 and 18-20 are not obvious in view of the Hendricks patent.

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Dated: __9/9__, 2003

Attachments

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